

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

ROBERT HOLSTON,

Plaintiff,

v.

SIERRA PACIFIC ORTHOPAEDIC  
CENTER MEDICAL GROUP, INC., et al.,

Defendants.

Case No. 1:24-cv-00681-KES-SAB

ORDER DIRECTING THE CLERK OF  
THE COURT TO TERMINATE  
DEFENDANT SIERRA PACIFIC  
ORTHOPAEDIC CENTER MEDICAL  
GROUP, INC. AS A DEFENDANT IN THIS  
ACTION

(ECF Nos. 17, 18)

On December 20, 2024, Plaintiff filed two notices of dismissal of Defendant Sierra Pacific Orthopaedic Center Medical Group, Inc. with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). (ECF Nos. 17, 18.) Rule 41(a) of the Federal Rules of Civil Procedure allows a party to dismiss some or all of the defendants in an action through a Rule 41(a) notice. Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997); see also Concha v. London, 62 F.3d 1493, 1506 (9th Cir. 1995) (“The plaintiff may dismiss either some or all of the defendants—or some or all of his claims—through a Rule 41(a)(1) notice.”).

Defendant Sierra Pacific Orthopaedic Center Medical Group, Inc. has not filed an answer or a motion for summary judgment in this action. Under Rule 41(a)(1)(A)(i) a “plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i).

Accordingly, the Clerk of the Court is DIRECTED to terminate Sierra Pacific Orthopaedic Center Medical Group, Inc. as a defendant in this action.

IT IS SO ORDERED.

Dated: **December 20, 2024**

A handwritten signature in blue ink, appearing to read "Stanley A. Boone", is written over a horizontal line.

STANLEY A. BOONE  
United States Magistrate Judge